United Nations S/2004/192

Security Council

Distr.: General
11 March 2004
English
Original: French

Draft resolution

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo,

Reiterating its concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in North and South Kivu and in Ituri, which perpetuate a climate of insecurity in the whole region,

Condemning the continuing illicit flow of weapons into the Democratic Republic of the Congo, and *declaring its determination* to closely monitor compliance with the arms embargo imposed by its resolution 1493 of 28 July 2003,

Underscoring the right of the Congolese people to control their own natural resources, *recalling* in this regard the statement made by its President on 19 November 2003 (S/PRST/2003/21), which emphasizes the connection, in the context of the continuing conflict, between the illegal exploitation of natural resources and trafficking in raw materials and arms, as highlighted in the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo (S/2003/1027), and *stressing* for this purpose, the need for all Member States to work to achieve an end to the illegal exploitation of natural resources,

Encouraging all States signatories to the Nairobi Declaration of 15 March 2000 on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa to implement quickly the measures required by the Co-ordinated Agenda for Action as an important means of support of the measures imposed by paragraph 20 of resolution 1493,

Taking note of the Secretary-General's fourteenth report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), dated 17 November 2003 (S/2003/1098), and of its recommendations,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the demand, laid down in paragraph 20 of resolution 1493, that all States take the necessary measures to prevent the supply of arms and any related

04-26860 (E) 120304

materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive agreement on the Transition in the Democratic Republic of the Congo (signed in Pretoria on 17 December 2002);

2. *Welcomes* the recommendations contained in paragraph 72 of the fourteenth report of the Secretary-General on MONUC;

3. *Requests* MONUC to continue to use all means, within its capabilities, to carry out the tasks outlined in paragraph 19 of resolution 1493, and in particular to inspect, without notice as it deems it necessary, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

4. *Authorizes* MONUC to seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 20 of resolution 1493, and to dispose of such arms and related materiel as appropriate;

5. *Reiterates* its demand that all parties provide immediate, unconditional and unhindered access to MONUC personnel, in accordance with paragraphs 15 and 19 of resolution 1493, to enable them to carry out the tasks outlined in paragraphs 3 and 4 above;

6. *Reiterates its condemnation* of the continuing illegal exploitation of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, which contributes to the perpetuation of the conflict, and *reaffirms* the importance of bringing an end to these illegal activities, including by applying the necessary pressure on the armed groups, traffickers and all other actors involved;

7. *Urges* all States, and especially those in the region, to take the appropriate steps to end these illegal activities, including through judicial means where possible, and, if necessary, to report to the Council;

8. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all members of the Council (the Committee), to undertake the following tasks:

(a) To seek from all States, and particularly those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 20 of resolution 1493 and to comply with paragraphs 18 and 24 of the same resolution, and thereafter to request from them whatever further information it may consider useful; including by providing States with an opportunity, at the Committee's request, to send representatives to meet with the Committee for more in-depth discussion of relevant issues;

(b) To examine, and to take appropriate action on, information concerning alleged violations of the measures imposed by paragraph 20 of resolution 1493 and information on alleged arms flows highlighted in the reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, identifying where possible individual and legal entities reported to be engaged in such violations, as well as aircraft or other vehicles used;

(c) To present regular reports to the Council on its work, with its observations and recommendations, in particular on the ways to strengthen the effectiveness of the measures imposed by paragraph 20 of resolution 1493;

(d) To consider the lists referred to hereafter in paragraph 10 (g) with a view to submitting recommendations to the Council for possible future measures to be taken in this regard;

(e) To receive notifications in advance from States made under paragraph 21 of resolution 1493 and to decide, if need be, upon any action to be taken;

9. *Requests* all States, in particular those in the region, to report to the Committee, within sixty days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraph 20 of resolution 1493, and *authorizes* the Committee thereafter to request from Member States whatever further information it may consider necessary;

10. *Requests* the Secretary-General, in consultation with the Committee, to create, within thirty days from the date of adoption of this resolution, and for a period expiring on 28 July 2004, a group of experts consisting of no more than four members (the Group of experts), having the necessary skills to perform the following mandate:

(a) To examine and analyse information gathered by MONUC in the context of its monitoring mandate;

(b) To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the governments of those countries, flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 20 of resolution 1493;

(c) To consider and recommend, where appropriate, ways of improving the capabilities of States interested, in particular those of the region, to ensure the measures imposed by paragraph 20 of resolution 1493 are effectively implemented;

(d) To report to the Council in writing before 15 July 2004, through the Committee, on the implementation of the measures imposed by paragraph 20 of resolution 1493, with recommendations in this regard;

(e) To keep the Committee frequently updated on its activities;

(f) To exchange with MONUC, as appropriate, information that might be of use in the fulfilment of its monitoring mandate as described in paragraph 3 and 4 above;

(g) To provide the Committee in its reports with a list, with supporting evidence, of those found to have violated the measures imposed by paragraph 20 of resolution 1493, and those found to have supported them in such activities for possible future measures by the Council;

11. *Requests* the Special Representative of the Secretary-General for the Democratic Republic of the Congo to communicate as appropriate to the Security Council, through the Committee, information gathered by MONUC and, when possible, reviewed by the Group of experts, concerning supply in arms and related

materiel to armed groups and militias, and any possible presence of foreign military in the Democratic Republic of the Congo;

12. *Urges* all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties, to cooperate fully with the Committee and with the Group of experts and MONUC, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraph 20 of resolution 1493;

13. *Calls upon* the international community, in particular the specialized international organizations concerned, to provide financial and technical assistance to the Government of the Democratic Republic of the Congo with a view to helping it exercise effective control over its borders and its airspace;

14. *Decides* to remain actively seized of the matter.

United Nations S/2004/193

Security Council

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Letter dated 10 March 2004 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith the text of the statement made by Alhaji Ahmad Tejan Kabbah, President of Sierra Leone, at the official opening of the courthouse of the Special Court for Sierra Leone, held in Freetown today, 10 March 2004 (see annex).

I should be grateful if you could arrange for the text of the statement to be circulated as a document of the Security Council.

(*Signed*) Joe R. **Pemagbi**
Ambassador
Permanent Representative

04-26798 (E) 150304

Annex to the letter dated 10 March 2004 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

Statement by Alhaji Ahmad Tejan Kabbah, President of Sierra Leone, at the formal opening of the courthouse of the Special Court for Sierra Leone

Freetown, 10 March 2004

Throughout its history, Sierra Leone has scored a number of "firsts" in West Africa, in the rest of the continent and even in the world. These range from the establishment of the first institution of higher education in Africa south of the Sahara, and the first wired public broadcasting service in West Africa, to the issuance of the first free-form self-adhesive postage stamp in the world, and having produced the first African to receive the prestigious accolade of knighthood in what was once the British Empire.

Now, Sierra Leone is scoring another "first". It is making history in international humanitarian law, specifically in the area of transitional justice. It has become the first country to establish an independent mixed court to bring to justice persons responsible for serious violations of international humanitarian law and national criminal law. And not only that, the seat of the mixed court is within the territory of the country where the alleged crimes were committed. No wonder it is called a Special Court. The formal opening of these premises could also be described as a special occasion. I am therefore grateful to you, Mr. Justice Robertson, President of the Court, for the invitation to be present in this ceremony as the guest of honour, and to formally open the courthouse.

While we take pride in the establishment of this unique institution, and while we applaud the quality of cooperation between the Government of Sierra Leone and the United Nations, we cannot help but recall with deep sorrow the extraordinary circumstances that prodded us to pursue this uncharted course in the administration of justice. Never in the history of this country and of West Africa have we experienced horrendous brutality against innocent civilians on such a scale. Those acts tarnished the image of Sierra Leone, a small but peaceful, friendly and enlightened nation.

This notwithstanding, and long before the United Nations Security Council adopted resolutions stressing the need to talk to the rebels and try to end the war peacefully, and long before the international community became involved in the decision to negotiate with those who had committed heinous acts of brutality and terrorism against our people, my Government had already initiated a series of dialogues with the leader of the rebel movement. We concluded two peace agreements with them, gave him and other members of the movement cabinet and high-ranking positions. We went further, to grant them the most profound and generous consideration one could imagine, namely amnesty.

It is relevant on this occasion to recall the judicial and political risks that we took five years ago when we allowed the rebel leader, Corporal Foday Sankoh, to leave this jurisdiction so that he could travel to Lomé for peace talks, even though he had been convicted, sentenced and was waiting to have his conviction reviewed

by the Sierra Leone Court of Appeal. It was an unprecedented decision, one that apparently escaped the attention of the international community, including the international media. The people of Sierra Leone were apprehensive that Foday Sankoh would never return to Sierra Leone to face justice. However, yearning for peace, our people gave me their overwhelming support, and Foday Sankoh, the convicted man, travelled out of this jurisdiction.

We all know what happened after Lomé. How can anyone forget the events of May 2000, less than a year after the Lomé Peace Agreement, when impunity raised its vicious head once again on an already traumatized population?

What happened in Sierra Leone was not a mere internal issue. It was a matter of concern to people everywhere, to humanity. I addressed the United Nations Secretary-General, Kofi Annan, in my historic letter to him of 12 June 2000, in the following terms:

> "I believe that crimes of the magnitude committed by the RUF in this country are of concern to all persons in the world, as they greatly diminish respect for international law and for the most basic human rights. It is my hope that the United Nations and the international community can assist the people of Sierra Leone in bringing to justice those responsible for those grave crimes."

So, this is a Special Court for Sierra Leone, a symbol of the rule of law and an essential element in the pursuit of peace, justice and national reconciliation for the people of Sierra Leone. It is also a Special Court for the international community, a symbol of the rule of international law. It will certainly contribute to the jurisprudence of international humanitarian law, and enhance the promotion and protection of the fundamental rights of people everywhere.

Without the cooperation of the United Nations, the international community and the Government and people of Sierra Leone, there would have been no Special Court. This is why I should take this opportunity to express sincere thanks, first to the Secretary-General of the United Nations. He responded expeditiously to my request, and the Security Council gave him only 30 days to come up with a plan based on my proposal for the creation of an independent special court.

At this point, I should recognize and pay tribute to Hans Corell, who as Legal Counsel and Under-Secretary-General for Legal Affairs made a distinctive contribution to the establishment of the Special Court. We are delighted that you can join us today for the ceremony, which incidentally, coincides with the end of your service to the United Nations. When you look back on your days at the United Nations you will recognize the establishment of this Court as one of your main achievements.

Our thanks also go to the States and organizations that have made financial and other contributions to the Court, and to members of the Management Committee for their support and oversight function. I am delighted to see their representatives present at this ceremony.

Let no one underestimate the formidable task and challenge that this "hybrid" institution faces and will continue to face in its lifetime. The entire world, especially the people of Sierra Leone, would be watching its proceedings, carefully. The Court must see that justice is done. It must also, as far as possible, by its proceedings and judgements, dispel any notion that it is a political tool of a particular government or

group of States. This is crucial to its success because of perceptions and misperceptions about the so-called "thin line" between politics and the administration of justice on the one hand, and international politics and international law on the other.

On the issue of its independence and credibility the Security Council, in its resolution 1315 (2000) of 14 August 2000, correctly emphasized the importance of ensuring the impartiality, independence and credibility of the judicial process of the Special Court, in particular with regard to the status of the judges and the prosecutors.

In this connection, I would like to assure you, Mr. President, that we have absolute confidence in the competence and integrity of all those who have been appointed to serve in the Chambers and Registry of the Court. I would also like to commend you for the effective sensitization programme that is being conducted throughout the country. The programme is a necessary acknowledgement of the fact that (a) this particular mechanism of accountability is new to the people of Sierra Leone, and (b) it has emerged almost concurrently with the proceedings of a different type of transitional justice, namely the Truth and Reconciliation Commission.

I would strongly recommend that the Court continue, and even strengthen, the sensitization or public information programme. We note with interest recent improvements in accessibility to information on the Court's Internet web site. Further improvements would ensure that the Court's external constituencies are also kept fully and reliably informed about the activities of this new institution in international humanitarian and human rights law.

Mr. President of the Special Court, I would like to reassure you that the Government of Sierra Leone is fully committed to the success of this Court, and will continue to cooperate with its organs at all stages of the proceedings, in accordance with article 17 of its statute. Such cooperation is in the interest of the people of this country, in particular the victims of the atrocious crimes that the Court has been empowered to prosecute.

I would like to commend the architects who designed this impressive structure, and the builders, workers and all those who in one way or another were recruited to lend a hand so to speak in the construction of the building within such a short time. The fact that the proceedings of the Special Court will be conducted in a spacious and relatively comfortable working environment should enhance its overall efficiency.

At the end of its mandate the Special Court will leave a legacy in the annals of the administration of justice in Sierra Leone and in the international community. It will also bequeath to the people of Sierra Leone a citadel of justice in the form of this beautiful courthouse.

I have the honour to formally declare open the new home of the Special Court for Sierra Leone.

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Letter dated 11 March 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you herewith the text of a communication dated 11 March 2004 which I have received from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-27005 (E) 150304 150304

Annex

Letter dated 11 March 2004 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

[Original: English]

I have the honour to refer to the implementation of the Safeguards Agreement between the Socialist People's Libyan Arab Jamahiriya and the International Atomic Energy Agency pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (the Safeguards Agreement).

You will recall that, on 19 December 2003, the Libyan Arab Jamahiriya announced its voluntary decision to "eliminate materials, equipments and programmes which lead to the production of internationally proscribed weapons", and that, in this connection, on 23 December 2003 the President of the Security Council issued a press statement in which the members of the Council welcomed and encouraged cooperation by the Libyan Arab Jamahiriya with others to ensure the verified elimination of all of its weapons of mass destruction programmes and "looked forward to early implementation of all the commitments made in the [Libyan] announcement including the subjection to urgent international verification".

In December 2003 and in February 2004, I reported to the Agency's Board of Governors on the implementation of the Safeguards Agreement. Following consideration of my reports, on 10 March 2004 the Board adopted a resolution in which it: "Finds, under Article XII.C of the Statute, that the past failures to meet the requirements of the relevant Safeguards Agreement (INFCIRC/282) identified by the Director General constituted non-compliance, and, in accordance with Article XII.C, requests the Director General to report the matter to the Security Council for information purposes only, while commending the Socialist People's Libyan Arab Jamahiriya for the actions it has taken to date, and has agreed to take, to remedy the non-compliance" (para. 4). A copy of the Board's resolution (GOV/2004/18) is attached herewith.

I should be grateful if you would arrange for the distribution of this letter and its attachment to all Council members.

(*Signed*) Mohamed **ElBaradei**

Attachment

[Original: Arabic, Chinese, English, French, Russian and Spanish]

Implementation of the NPT Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya

Resolution adopted by the Board on 10 March 2004

The Board of Governors,

(a) Applauding the voluntary decision announced by the Socialist People's Libyan Arab Jamahiriya on 19 December 2003 to abandon its programmes for developing weapons of mass destruction and their means of delivery and its request to the Agency to ensure through verification that all of its nuclear activities will henceforth be under safeguards and exclusively for peaceful purposes,

(b) Recognizing this decision of the Socialist People's Libyan Arab Jamahiriya as a step towards the realization of the goal of an Africa and a Middle East free of weapons of mass destruction and at peace,

(c) Noting the Press Statement of 23 December 2003 by the President of the United Nations Security Council in which the members of the Security Council welcomed and encouraged cooperation by the Socialist People's Libyan Arab Jamahiriya with others to ensure the verified elimination of all of its weapons of mass destruction programmes,

(d) Commending the Socialist People's Libyan Arab Jamahiriya for its active cooperation with the Agency since 19 December 2003, and noting with satisfaction that this cooperation has included the granting of unrestricted access to facilities, the provision of prompt responses to Agency questions, and the volunteering of information relevant to the Agency's verification responsibilities,

(e) Welcoming the voluntary decision by the Socialist People's Libyan Arab Jamahiriya to sign the Additional Protocol and to act as if the provisions of that Protocol were in force as of 29 December 2003, as well as the Board's approval of the Protocol for signature,

(f) Noting with appreciation the Director General's report of 22 December 2003 (GOV/2003/82) on the implementation of safeguards in the Socialist People's Libyan Arab Jamahiriya pursuant to its Safeguards Agreement (INFCIRC/282), which entered into force on 8 July 1980, as well as his report of 20 February 2004 (GOV/2004/12) on the same subject,

(g) Noting with concern that the second of these reports brought to light that, in the past, over an extended period of time, the Socialist People's Libyan Arab Jamahiriya was in breach of its obligation to comply with the provisions of its Safeguards Agreement, and that it acquired nuclear weapons design and fabrication documents,

(h) Welcoming the Agency's work since 19 December 2003 to verify the Socialist People's Libyan Arab Jamahiriya's declarations and the elimination of all weapons-related materials, equipment, and programmes, and to define necessary corrective actions,

(i) Also noting the work undertaken by the United Kingdom and the United States of America, at the request of the Socialist People's Libyan Arab Jamahiriya and in cooperation with the Agency, to dismantle and eliminate weapons-related materials, equipment and programmes, and

(j) Taking into account the indications reported by the Director General of clandestine foreign supply of nuclear material, sensitive equipment and technology, and documents related to enrichment and the design and fabrication of nuclear weapons to the Socialist People's Libyan Arab Jamahiriya in support of the activities it has now renounced and abandoned,

1. Welcomes the voluntary decision of the Socialist People's Libyan Arab Jamahiriya to eliminate materials, equipment and programmes leading to the production of nuclear weapons in a manner verifiable by the Agency, as this will strengthen regional and global security and stability;

2. Appreciates the active cooperation and openness that has been provided since 19 December 2003 by the Socialist People's Libyan Arab Jamahiriya to facilitate the elimination of weapons-related materials, equipment and programmes and the Agency's verification work;

3. Recalls with satisfaction the approval of the Socialist People's Libyan Arab Jamahiriya's Additional Protocol, looks forward to that Protocol's early entry into force, and commends the decision to act as if the Protocol were in force as of 29 December 2003;

4. Finds, under Article XII.C of the Statute, that the past failures to meet the requirements of the relevant Safeguards Agreement (INFCIRC/282), identified by the Director General constituted non-compliance, and, in accordance with Article XII.C, requests the Director General to report the matter to the Security Council for information purposes only, while commending the Socialist People's Libyan Arab Jamahiriya for the actions it has taken to date, and has agreed to take, to remedy the non-compliance;

5. Commends the Director General and Secretariat for the work they have undertaken since 19 December 2003 in cooperation with the Socialist People's Libyan Arab Jamahiriya and looks forward to receiving a further report from the Director General at its June 2004 meeting, or earlier as appropriate, and thereafter when the Secretariat has formed a complete and coherent understanding of past and present nuclear activities in the Socialist People's Libyan Arab Jamahiriya and can verify the completeness and correctness of its declarations with the goal that the matter will then be resolved and concluded by the Board;

6. Requests the Socialist People's Libyan Arab Jamahiriya to provide continuing cooperation and full disclosure to facilitate the Agency's completion of all its mandated tasks;

7. Welcomes the verification activities undertaken by the Agency pursuant to the Socialist People's Libyan Arab Jamahiriya's Safeguards Agreement, including the Agency's work to verify declarations and to define the necessary corrective actions, and also welcomes the steps taken to date by the Socialist People's Libyan Arab Jamahiriya to dismantle and eliminate weapons-related materials, equipment and programmes; and

8. Urges all third countries to cooperate closely and fully with the Agency in the clarification of open questions on which it may request their assistance, while appreciating such cooperation as may already have been extended.

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Security Council

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Letter dated 4 March 2004 from the Permanent Representative of the Central African Republic to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the presidential communiqué issued by the Minister of Communication, National Reconciliation and Democratic and Civic Culture, the Government spokesman, following the hospitality accorded to President Jean-Bertrand Aristide (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Fernand **Poukré-Kono**
Ambassador
Permanent Representative

04-26984 (E) 150304 150304

Annex to the letter dated 4 March 2004 from the Permanent Representative of the Central African Republic to the United Nations addressed to the Secretary-General

Presidential communiqué

The Central African Republic is a country of peace. The cradle of the Bantus, according to the words of the founding President of our country, Barthélemy Boganda, has always been a welcoming and hospitable country where a stranger passing through can find lodging and shelter.

The Central African Republic also cultivates a tradition of dignity, dignity and respect for the human person. It is the homeland of *zo kwe zo*.

Imbued with this philosophy and our ancestral values, the President of the Republic and head of State, Division General François Bozize, today carried out an historic act of worldwide significance. At the request of his brother and senior, the dean of the heads of State of Central Africa, His Excellency El Hadj Omar Bongo Ondimba, the President of the Republic agreed to receive and welcome the former President of the world's very first black republic, Haiti, Mr. Jean-Bertrand Aristide.

During this period of consensual transition and in view of this grave responsibility but also his duty as a citizen and general officer, the head of State took care to inform the principal actors of this transition, namely the Vice-President of the Republic, the Prime Minister, the head of Government and the President of the National Transition Council.

The Central African Republic as a whole and united behind its leaders, therefore, is receiving a person who is in difficulty and in need of finding true hospitality.

It is also, therefore, a purely humanitarian act for it will not be said that the Central African Republic has derogated from its sacred tradition of hospitality as a welcoming land.

Owing to a strange coincidence, our country's guest has come from a distant land, Haiti, the country of Toussaint Louverture. Son of a slave and a general officer, he fought against oppression and slavery and for human dignity. Toussaint Louverture died in that struggle precisely 200 years ago, far from the land of Africa, from which his ancestors had been deported.

President Aristide is returning to Africa today under painful circumstances.

When a man in need knocks at the door, you take no notice of his colour, race or rank. You receive him and offer him what little you have. This is in accordance with *ga nzoni*.

Nevertheless, on behalf of all Central Africans, the President of the Republic wishes to assure the fraternal people of Haiti of his solidarity in the ordeal that he is currently undergoing. The President hopes that peace returns very speedily to that Caribbean island, for the well-being of all Haitians. He is also counting on the understanding and solidarity of the international community.

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Letter dated 12 March 2004 from the Permanent Representative of Romania to the United Nations addressed to the President of the Security Council

Romania reaffirms its solidarity with the families of the victims of the terrorist attacks in Madrid.

Romania's President and Prime Minister firmly condemned the horrific terrorist attacks that claimed more than 200 victims and injured 1,400 persons.

Among them, 2 Romanian citizens are reported dead and 75 others injured.

Romania is one of the 10 countries whose nationals perished in the tragic event. This is evidence that terrorism concerns us all, irrespective of where it strikes.

The real victims in the globalization era are democratic values, freedoms and fundamental human rights. Terrorism threatens the very essence of global stability and development. This common threat requires the concerted action of the democratic community.

It again appears evident that it is of paramount importance to elaborate and enforce comprehensive counter-terrorism legislation conducive to concrete actions.

The Security Council, entrusted with the responsibility of maintaining international peace and stability, should continue to act vigorously in that regard, including through its specialized subsidiary body, the Counter-Terrorism Committee.

The prompt and unanimous adoption by the Security Council of resolution 1530 (2004) should be followed by concrete and firm measures aimed at bringing to justice the perpetrators and sponsors of such heinous acts of terrorism.

I should be grateful if the text of the present letter were circulated as a document of the Security Council.

(*Signed*) Mihnea **Motoc**
Ambassador

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United Nations S/2004/197

Security Council

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Letter dated 9 March 2004 addressed to the President of the Security Council by the Secretary-General

I have the honour to refer to Security Council resolution 186 (1964) dated 4 March 1964, whereby the Council established the United Nations Peacekeeping Force in Cyprus.

After having conducted the customary consultations, I intend to add Peru to the list of countries providing military personnel to the Force. The contingent from Peru (a unit composed of 30 soldiers) will be integrated with the Argentine contingent.

I would be grateful if you would so inform the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-26972 (E) 120304 120304

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Security Council

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Letter dated 12 March 2004 addressed to the Secretary-General by the President of the Security Council

I have the honour to inform you that your letter dated 9 March 2004 (S/2004/197) concerning your intention to add Peru to the list of countries providing military personnel to the United Nations Peacekeeping Force in Cyprus has been brought to the attention of the members of the Security Council, who have taken note of it.

(*Signed*) Jean-Marc **de La Sablière**
President of the Security Council

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United Nations S/2004/199

Security Council

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15 March 2004

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Letter dated 12 March 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to inform you that the Government of the Republic of the Sudan wishes to have retained on the list of matters of which the Security Council is seized item 4 in paragraph 8 of the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration (document S/2004/20 of 14 February 2004), namely the item entitled "Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General (S/3963)".

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

04-27017 (E) 160304

United Nations S/2004/200

Security Council

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12 March 2004

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Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa

I. Introduction

1. The increasing use and proliferation of mercenaries, child soldiers and small arms account for much of the instability in the West African subregion. This is not an exhaustive list of such problems. The culture of impunity, the spread of HIV/AIDS, the continued weakening of the security sector, the proliferation of roadblocks, youth unemployment, environmental degradation, social exclusion, remnants of war, mass refugee movements and other forced displacement, inequitable and illicit exploitation of natural resources, weak national institutions and civil society structures, and violations of human rights, including the rights of women, are some of the other serious cross-border problems afflicting many parts of the subregion.

2. These cross-border problems are related to one another and are exacerbated, especially, by the poor governance record in many parts of West Africa. None of them can be solved at the national level alone, but rather require a regional approach.

3. Although the three cross-border problems specified by the Security Council in its statement of 25 July 2003 (S/PRST/2003/11) are important contributory causes of conflict in West Africa, their relationship with the endless cycle of violence and instability is primarily symptomatic, not causal. It goes without saying that if warlords, militias and other armed groups, as well as some Governments, did not engage in armed conflict either on their own territory or on that of their neighbours, they would not seek to acquire ever-greater supplies of small arms and to use child soldiers and mercenaries, and the demand for all three would not exist.

4. As requested in the above-mentioned presidential statement, practical and concrete recommendations have been prepared following extensive consultations conducted by my Special Representative for West Africa within the United Nations system and among subregional organizations, especially the Economic Community of West African States (ECOWAS), and leading representatives of West African civil society organizations. Since the United Nations has in many different forums outlined the extremely negative consequences of those factors of instability spelled out in the Council's statement, it is not my intention to provide more background information on them. The present report, therefore, focuses on practical recommendations for addressing them.

04-26027 (E) 150304

5. The recommendations presented in this document have been grouped under the following 12 broad headings:

1. Improving United Nations harmonization;
2. Ratification and observance of existing conventions;
3. Collaboration in the Mano River Union area;
4. Strengthening the ECOWAS secretariat;
5. Strengthening and implementing the ECOWAS Moratorium;
6. Supporting national commissions;
7. Disarmament, demobilization and reintegration programmes;
8. Security sector reform;
9. Reducing extortion at roadblocks within and between countries;
10. Strengthening civil society participation and awareness-raising;
11. "Naming and shaming";
12. Small arms exporters and private security companies.

II. Recommendations for addressing cross-border regional problems

1. Improving United Nations harmonization

6. Increased harmonization among the United Nations actors active in the West African subregion — avoiding duplication, maximizing linkages and comparative advantages, and enhancing coordination with other field offices — has long been an important goal. As a result of the ever-increasing regional dimension of conflicts, I decided, as the Security Council is aware, to establish the United Nations Office for West Africa, headed by my Special Representative, Ahmedou Ould-Abdallah, with a mandate in particular to harmonize United Nations efforts, including in relation to ECOWAS and the Mano River Union.

Recommendation 1. My Special Representative for West Africa should organize regular meetings among the senior staff of the various United Nations political and peacekeeping missions in the region, as well as the regional heads of the principal United Nations agencies and programmes covering humanitarian and development issues. The resulting exchange of relevant information and best practices should focus among other subjects on the issues under consideration in this report. Senior ECOWAS officials and representatives of civil society, including women's groups, should be invited to attend relevant parts of the meetings.

2. Ratification and observance of existing conventions

7. The international community, especially in Africa, is not short of instruments to address issues such as small arms, child soldiers and mercenaries. The United Nations, the African Union and ECOWAS have all ratified large numbers of treaties, conventions, charters and protocols relating to these problems and their harmful effects on the sub-region.

Recommendation 2. The United Nations, the African Union and ECOWAS should encourage regional Governments to ratify and abide by the provisions of existing conventions. Those signed international legal instruments should also be implemented as national laws. Furthermore, all States should adopt policies against the recruitment and use of child soldiers and mercenaries to criminalize any such recruitment, and also address the question of impunity in collaboration with the United Nations Commission on Human Rights and Special Rapporteurs. Since ratification is not an end in itself, but merely a step towards implementation, the United Nations and ECOWAS should monitor carefully, through their respective mechanisms, progress in this regard and provide advice where requested.

3. Collaboration in the Mano River Union area

8. The Mano River Union, composed of Guinea, Liberia and Sierra Leone, was a stabilizing element in the past. There have been many calls to re-energize the Union, which has foundered owing to mutual distrust among its member States. With the departure from power of former President Charles Taylor, however, there is now a real hope that inter-State relations within the Mano River Union can be improved. The United Nations system, including the Economic Commission for Africa and the United Nations Development Programme (UNDP), is already responding to requests for help to reinvigorate the Mano River Union.

Recommendation 3. ECOWAS and the United Nations, in consultation with the Mano River Union countries, and relevant civil society organizations, including the Mano River Women Peace Network, should explore ways and means of helping to enhance international attention to the priority cross-border problems confronting those countries, including the convening of an international conference on assistance to the Mano River Union. The United Nations should encourage the ongoing efforts of the States members of the Mano River Union to resume dialogue at the highest political level and to promote confidence-building, peace and stability in the subregion.

Recommendation 4. States of the Mano River Union, together with Côte d'Ivoire, with logistic and other assistance from UNMIL, UNAMSIL, MINUCI and others, should initiate joint security patrols and common border management in sensitive areas, including human rights monitoring where appropriate. The UNAMSIL Operation Blue Vigilance is an example of such collaboration. Joint security patrols with United Nations participation should start, since they would be an important capacity-building and confidence-building exercise for the police, armed forces and customs services of the four countries.

4. Strengthening the ECOWAS secretariat

9. In the report of the Security Council mission to West Africa, 26 June to 5 July 2003 (S/2003/688), it was recommended that my Special Representative for West Africa undertake a comprehensive study, in conjunction with the Executive Secretary of ECOWAS and concerned Member States, of ways in which the international community can increase its cooperation with, and assist in strengthening the capacity of, ECOWAS. Work on that study is under way, and a joint team composed of the European Commission, UNDP and the United Nations

Office for West Africa is to complete a needs assessment mission in March 2004. The current set of recommendations, therefore, will focus solely on those areas specified by the Council in its statement of 25 July: small arms, child soldiers and mercenaries.

Recommendation 5. ECOWAS headquarters may consider reinforcing its four observation and monitoring zones to enable them to gather as much reliable information on the cross-border problems as possible. Special information-sharing should be authorized between the observation and monitoring zone in Monrovia (covering the Mano River Union countries), the observation and monitoring zone in Ouagadougou (which covers Côte d'Ivoire), the Mano River Union and the Programme for Coordination and Assistance for Security and Development (PCASED) and Interpol. ECOWAS should also set up a database of individuals and groups suspected of engaging in the trafficking of illicit arms, mercenaries and child soldiers, which should be shared with the relevant national and international judicial authorities. The assets of those that have been indicted should be tracked and frozen.

Recommendation 6. Development partners should be encouraged to provide additional resources to enhance the monitoring and reporting capacity of the ECOWAS Child Protection Unit which, working in coordination with UNICEF and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, could become a useful instrument for the protection of all children affected by armed conflict. The ECOWAS secretariat should also consider conducting studies of linkages between arms flows, child soldiers, mercenaries, refugee flows, illicit exploitation of natural resources, massive violations of human rights, and the drugs trade in order to better address these problems.

5. Strengthening and implementing the ECOWAS Moratorium

10. In an important demonstration of their commitment to combat the proliferation of small arms and light weapons in the subregion, ECOWAS heads of State and Government in 1998 declared a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa. The Moratorium is the main platform for supporting regional efforts to control small arms. At the time of its declaration, the Moratorium was conceived as a voluntary, non-binding political arms control measure with the potential of preparing its signatory States for the establishment of a legally binding regime.

11. The Moratorium has had to contend with major impediments: lack of political will in some countries; weaknesses of national security institutions; violations of the Moratorium by some ECOWAS member States and other States and entities that have continued to supply small arms to West Africa in defiance of its code of conduct; ongoing civil wars creating extra demand; insufficient public awareness in the subregion about the Moratorium; and lack of financial resources.

12. The proliferation of small arms cannot be combated by a proliferation of small agencies. Since resources for institution-building to combat arms proliferation in West Africa are extremely limited, there is a need to minimize duplication, ensure the most efficient allocation of resources, and even perhaps to take some hard decisions. I welcome the commitment recently shown by ECOWAS member States in deciding to establish a Small Arms Unit. On the other hand, PCASED was set up

in 1998 to implement the Moratorium on small arms and to assist ECOWAS States in taking practical steps to ensure that illicit weapons do not cross their borders.

Recommendation 7. ECOWAS member States should consider, before the expiry of the current Moratorium period in 2004, the adoption of a legally binding instrument which would complement the important work done so far. Consideration should be given to including a ban on mercenaries operating directly or indirectly in their countries within the terms of the Moratorium or in any other arms control measure to be concluded. ECOWAS should make its prohibitions, including those contained in the 1978 Protocol on Non-Aggression, legally binding, with the understanding that its member States would punish violations at the subregional level. It should also call on the Security Council to impose international sanctions against the Governments responsible for such violations.

Recommendation 8. States members of ECOWAS should harmonize national legislation and common penalties in West Africa regarding small arms and mercenaries. To this end, the international community and the United Nations should offer legal and other assistance. In line with Security Council resolution 1467 (2003), work should also begin on an ECOWAS regional register that would record national inventories of small arms and light weapons. Where appropriate, work carried out by the panels of experts on sanctions on Liberia should be made available to ECOWAS for this purpose. In addition, small arms experts who have worked on the panels should occasionally be seconded to support ECOWAS in the development of its regional arms register.

Recommendation 9. In order to avoid duplication and send a clear signal to development partners and others, ECOWAS heads of State should make a decision regarding the future relationship of PCASED and the ECOWAS Small Arms Unit. Once there is a clear-cut rationalization and division of labour between the two, I will call on the United Nations and the donor community to provide increased support for this essential task.

6. Supporting national commissions

13. Under the associated measures for the implementation of the Moratorium, ECOWAS member States were called upon to establish or strengthen national commissions or other domestic arms control institutions. PCASED has initiated important work in this direction, although, like the national commissions, it suffers in particular from a serious lack of resources.

Recommendation 10. ECOWAS should help to reinforce the important role member States must play to strengthen their national commissions and broaden their mandates to include related phenomena such as the recruitment of mercenaries and child soldiers. In addition, the few West African countries that have still not set up national commissions should move to do so. To contribute to conflict prevention in the region, the United Nations, in close partnership with Governments and civil society organizations, should undertake capacity-building for national commissions, along the lines of the proposed UNDP project for small arms reduction in Ghana. Furthermore, the Organization should take the initiative of inviting the national commissions for joint training

which, undertaken in coordination with ECOWAS and PCASED, should also facilitate subsequent joint projects, especially on cross-border issues.

Recommendation 11. Experts and focal points on war-affected children and youth, including child soldiers, should be appointed within each national commission to liaise with the ECOWAS Small Arms and Child Protection Units, the observation and monitoring zones, the Mano River Union and concerned United Nations entities. Taken together, these should form an integrated monitoring and reporting network for regular, objective reports on violations against children. Moreover, Governments of the region are encouraged to include independent experts and key representatives of civil society in the commissions in order to broaden participation in this area, as stated in the Moratorium. The diversity and the independence of their members would strengthen the legitimacy of the national commissions.

7. Disarmament, demobilization and reintegration programmes

14. A key lesson from West African peace processes in the 1990s is that incomplete disarmament, demobilization and reintegration of combatants, including children and women, jeopardizes post-conflict reconstruction and increases the chances for a return to violence. All children in war zones are exposed to conflicts and may be recruited but, unless child soldiers are reintegrated into society after being demobilized, they remain at risk of re-recruitment. Where conflict has spanned many years, children have sometimes grown into adulthood by the time peace agreements are brokered.

Recommendation 12. Given their success to date, the lessons of the disarmament, demobilization and reintegration programmes in Mali and Sierra Leone should be closely studied and where appropriate applied in other areas of West Africa. Further consideration should be given to the proposal contained in the report of the Security Council mission to West Africa regarding a truly regional disarmament, demobilization and reintegration process, and relevant United Nations entities should examine its feasibility. This will involve additional collaboration between MINUCI, UNAMSIL, UNMIL and the United Nations Office for West Africa, a process that has already started, to ensure consistency and the adoption of best practices.

Recommendation 13. Following the culmination of disarmament, demobilization and reintegration, a comprehensive programme aimed at improving human security through the collection of arms and light weapons should be initiated, as was done in Sierra Leone with the Community Arms Collection and Destruction Programme. The programme should encourage voluntary disarmament through an approach whereby the provision of developmental projects is contingent on the successful collection of small arms within given communities. The disarmament, demobilization and reintegration programme should also include the revision and enactment of laws on arms, ammunition and explosives as well as the establishment of a firearms licensing process. To address the needs of the communities receiving demobilized soldiers, disarmament, demobilization and reintegration should be accompanied by community development programmes.

Recommendation 14. All disarmament, demobilization and reintegration programmes should contain specific well-designed components for children

and women combatants. Disarmament, demobilization and reintegration for child soldiers should be open to all children associated with fighting forces, including victims of sexual violence, slavery and other forms of exploitation, as well as those currently in refugee and internment camps. Special attention has to be paid to the needs of girls, who have often been overlooked in assistance programmes and disadvantaged by social stigma. The contribution of children themselves as key agents in peace-building initiatives should not be underestimated in terms of designing disarmament, demobilization and reintegration programmes, disseminating information to other children on how such programmes work, and mobilizing systems at community level for the prevention of further recruitment.

Recommendation 15. Some of the key programmes available to children in the disarmament, demobilization and reintegration process, particularly psychosocial counselling, family reunification, and educational opportunities, should also be made available to young adults who were recently child soldiers. The United Nations and ECOWAS should take into consideration the need to engage local groups, including women, and when useful follow local traditions in rehabilitating former combatants, including children. Priority emphasis should be placed by Governments and the international community on rebuilding infrastructures and social services such as schools and vocational training centres. This would help to absorb the unemployed youth and also provide child soldiers and other children affected by armed conflict with the benefits of an education, and provide support to the receiving communities.

Recommendation 16. Since unemployment is related to disarmament, demobilization and reintegration and the recruitment of child soldiers and mercenaries, concerned Governments and organizations should be invited to study the proposals contained in the forthcoming study by the United Nations Office for West Africa requested by the recent Security Council mission on ways to reduce youth unemployment in the region.

8. Security sector reform

15. The need for security sector reform lies at the heart of most cross-border regional problems, including the proliferation of small arms and the use of mercenaries and child soldiers. Weak and undisciplined national armies are a primary cause of insecurity in many parts of the world. Often unpaid, poorly trained and exposed to HIV/AIDS, some West African militaries constitute a serious menace to security and human rights in their own countries. This is an area where improvement is a prerequisite for West African stability. Regrettably, few outside Governments have shown keen or sustained interest in supporting reforms in the security sector.

Recommendation 17. The United Nations system, especially UNDP, and ECOWAS should assist in new and sustained efforts for resource mobilization to achieve security sector reform. As an incentive, donors should offer additional security sector assistance and training, including in international human rights and humanitarian law, if genuine efforts and progress are made on issues relating to arms proliferation, child soldiers and mercenaries. Those development partners that find it possible to provide assistance to militaries should increase their programmes, and those that find this difficult should

focus on reforming other security institutions such as the police, gendarmerie and customs. One reform would be to increase the number of women police and uniformed personnel.

Recommendation 18. In collaboration with ECOWAS, the United Nations Office for West Africa should organize in the second half of 2004 a meeting of defence and interior ministers of some West African countries, as well as representatives of relevant parliamentary oversight bodies, senior military officers and civil society representatives, to develop a common understanding of the importance of security sector reform in consolidating regional peace and stability and to explore the possibility of formulating specific security sector reform projects that could be submitted to potential donors.

Recommendation 19. To help to curb small arms and mercenaries, security sector reform should include enhancing the capacity of frontier services, such as border guards, police, immigration and customs. Donors are encouraged to provide more advanced and compatible equipment. Depending on the capacity of the States concerned and the inaccessibility of the border areas to be monitored, the needs can vary from satellite surveillance of low-flying aircraft to computers, communications and vision equipment, x-ray machines and quad bikes, as well as training. Carefully selected local civil society groups should be engaged in efforts to improve border monitoring. Special attention should be paid by the States of the region to providing security to camps for refugees and internally displaced persons and guarding against their militarization, which is a factor both in the spread of small arms and in the recruitment of child soldiers and other fighters.

Recommendation 20. Every State member of ECOWAS should maintain a central register of arms held by the military and national security agencies. To that end, computers and relevant training should be provided to permit the keeping of up-to-date records of all legal weapons in the country.

9. Reducing extortion at roadblocks within and between countries

16. It is essential that legitimate calls for increased vigilance in border areas not be used as an excuse to set up more roadblocks whose primary purpose is often to extort money from passing travellers and traders. The proliferation of checkpoints — to the extent that a number of security agencies set up separate roadblocks — adds to citizens' insecurity, especially for merchant women who are frequently harassed at them, and gravely hampers trade by raising transport costs to unsustainable levels.

Recommendation 21. ECOWAS should demand that its members abide by their own commitments to free passage for people and goods, including humanitarian access. At the same time, Governments in the region should issue compelling orders to reduce the number of illegitimate checkpoints and the practice of extortion at them. In the spring of 2003, a presidential appearance on television in one West African country announcing that roadblocks would be removed led to the immediate withdrawal of most of them. This initiative should be attempted elsewhere in the region and pursued for sustained periods. Lessons should also be drawn from Sierra Leone, where, after the conclusion of the Abuja Peace Agreement, UNAMSIL deployed robust patrols to

dismantle checkpoints erected by RUF, and the Government ensured the removal of checkpoints which hindered the movement of goods and civilians.

Recommendation 22. Governments should consider establishing elite undercover units of security officers, whose job is to monitor the level of abuse and extortion at checkpoints and dismantle illegal ones. Punishment of infractions should then be publicized in the media as a way of increasing the effectiveness of such units, whose areas of operation should be rotated in order to prevent a new source of corruption.

Recommendation 23. ECOWAS and its development partners, including the United Nations, should support campaigns by truck drivers, transport companies and consumer associations to reduce extortion at roadblocks. As a means of allowing less room for corruption in this area, ECOWAS should encourage States of the region to draw up harmonized, unambiguous and well-publicized guidelines for transporters on matters such as speed, load, types of goods, and conditions of vehicles. Transporters and other travellers should also receive documents certifying that their compliance with regulations has been verified. The United Nations Office for West Africa should work with ECOWAS, the International Monetary Fund, the World Bank, and other relevant regional entities to help to keep attention focused on this issue of common concern.

10. Strengthening civil society participation and awareness-raising

17. The involvement of representatives of civil society in matters relating to governance and security is an area where the United Nations system, development partners and States of the subregion should focus considerably more attention. The inclusion of relevant sectors of civil society, in particular women's associations, both in devising and in implementing the most suitable strategies, not least through increasing public awareness, is an essential element in combating the phenomena of child soldiers, mercenaries, small arms proliferation and other cross-border issues.

Recommendation 24. The United Nations should consult and collaborate more systematically with local, national and international civil society organizations, including the private sector, religious leaders, and women's groups that are already working on cross-border issues in West Africa. Where appropriate, support should be provided to local grassroots participation in practical disarmament measures such as weapons collection, and in public-awareness programmes involving child and other ex-combatants.

Recommendation 25. Increased support should be provided for the media, especially radio stations, to broadcast messages and increase awareness among target populations about small arms, child soldiers and mercenaries. Consideration and support should be given both to national and to independent community radio stations. Messages to be propagated in local languages would include the dangers of proliferation; the need to reintegrate children forced to serve as soldiers or sex slaves; and the determination of the international and subregional community to take steps against the culture of impunity for violations of human rights. The raising of awareness should also be carried out in "floating" markets, especially near border areas where small arms are sold and violent activities sometimes planned.

Recommendation 26. Relevant United Nations entities should devise a concerted strategy to educate children about the harmful effects of becoming fighters at a young age, even if most child soldiers become fighters as a result of coercion. This would involve an attempt to break the culture of youth violence by using role models, including well-known singers, soccer players and actors who have played cinematic action heroes. Some ex-fighters should also be invited to schools to recount their regret at having wasted their formative years. Children should be taught in schools about human rights and the dangers of weapons proliferation, as well as techniques for peaceful conflict resolution in their everyday lives. Regional United Nations agency heads should ensure that all schools and vocational training centres receiving any aid from a United Nations entity include such teaching to all pupils.

11. Naming and shaming

18. "Naming and shaming" parties who contravene humanitarian norms and international law is one of the few tools at the disposal of the international community. In my report to the Security Council of 26 November 2002 (S/2002/1299), I named Governments and parties to conflict that recruit or use child soldiers. The Government of Liberia of the time and Liberians United for Reconciliation and Democracy (LURD) both featured on the list. The practice did not stop, however. Indeed, there is growing evidence that other parties to conflict in West Africa have been engaged in it.

Recommendation 27. The United Nations, the African Union and ECOWAS, together with partners in civil society, should gather all available evidence in this regard. Both organizations should then pursue a more aggressive policy of "naming and shaming" as a supplement to the existing, often ineffective, monitoring mechanisms. Concerted pressure, including international sanctions, should be brought to bear at the highest levels on parties to conflict (State and non-State alike) who recruit mercenaries and child soldiers.

Recommendation 28. To help to prevent the recruitment of child soldiers, child protection entities, in collaboration with the Office of the United Nations High Commissioner for Refugees and UNICEF, should conduct in-depth analysis of their screening and, without breaching confidentiality requirements, share their findings with other relevant institutions within both the United Nations and ECOWAS.

Recommendation 29. The Security Council, as well as regional organizations such as the African Union, the European Union and NATO, should "name and shame" commercial companies and individuals from member States that flout conventions relating to the export of small arms to the subregion and the use of child soldiers and mercenaries. Should those States be seeking to join such regional groupings, it should be made clear that their chances of success will be affected by their activities in this regard. The European Union should enforce the EU Code of Conduct on Arms Exports, and impose sanctions on offending States, including new members. The Organization for Security and Cooperation in Europe should also explore ways of preventing its member States from exporting illicit small arms to West Africa.

Recommendations 30. NATO should ensure that its demand for interoperability among the armed forces of its new member States leads to the

physical destruction of obsolete weapons and not their export to West Africa. It should also establish safeguards to prevent those same countries from encouraging — through subsidies or dumping practices — newly liberalized arms manufacturers to sell small arms to West Africa.

12. Small arms exporters and private security companies

19. Small arms proliferation is not just about poor standards of governance in West Africa that have led to conflicts and continuing demand for small weapons. Supply is also a major factor behind this phenomenon, which has inflicted so much damage in the subregion. Various unscrupulous parties have willingly played the role of merchants of death. The international community needs to address both the supply and the demand side with regard to private companies selling small arms or security services. On the one hand, Governments may legitimately engage private security firms. On the other hand, there have been cases of such companies serving as a front for mercenary activity and the illegitimate exploitation of natural resources.

Recommendation 31. In order to improve traceability, Governments of countries exporting small arms should insist that manufacturers be far more punctilious in inscribing indelible serial numbers on weapons. Importing Governments should strengthen their procedures for issuing end-user certificates and exporters should ensure that these are genuine and accurate. At the same time, ECOWAS member States should establish and maintain mechanisms for verifying end-user certificates for weapons sales.

Recommendation 32. The Security Council may consider encouraging Member States to pass legislation imposing an obligatory insurance policy on small arms exporting companies for damages caused by those weapons. The insurance system, similar to car insurance, would cover victims of small arms, and also help to make the price of small arms less attractive. To ensure implementation, such a measure should eventually be included in legally binding international conventions.

Recommendation 33. Governments in the subregion requesting the services of private security services should make it a point to secure bilateral agreements with the countries where such companies are based or registered in order to ensure greater accountability.

III. Observations

20. The cross-border regional issues identified by the Security Council in its presidential statement (S/PRST/2003/11), namely, child soldiers, mercenaries and small arms, have greatly exacerbated poverty and insecurity within West Africa. Addressing those problems in a comprehensive manner will require a fundamental change in the political approach that has prevailed in much of the subregion during the past 20 years. That approach, which has promoted authoritarianism and resulted in a culture of impunity, violence, exclusion and extortion, should be replaced with one that promotes democracy, accountability, peace, tolerance, gender equality and transparency.

21. If the regional and international community is serious about addressing the scourges afflicting parts of West Africa, what is required is not merely political and

financial commitment on the part of Governments but a wholesale reform of governance. Preventing abuse by State and non-State actors and ensuring respect for the rights and security of the peoples living in all parts of the region must be central to any strategy to ensure stability and development in West Africa. Special attention should be paid to areas such as Guinée-Forestière in Guinea, to take one example, whose geographical location and other factors have made them especially vulnerable to many of the most pressing cross-border problems outlined in the present report.

22. Issues relating to improved governance in West Africa, including human rights and transparency, are in the first instance the responsibility of national Governments. The regional and international community should help, however, not only by providing targeted assistance in those areas and ensuring that international standards are respected but also by responding at an earlier stage to governance and humanitarian crises, rather than staying silent until a foreseeable military takeover or an explosion of inter-communal violence has occurred. The international community should also maintain a significant and robust presence in post-conflict countries to prevent regression into conflict and to promote the consolidation of good governance and national ownership of the peace-building processes. I hope that the Security Council will bear this in mind when considering the mandates of United Nations peace operations in this troubled region.

23. It is my hope that the members of the Security Council will explore ways of enhancing the capacity of ECOWAS to address cross-border regional issues; support the activities of the relevant civil society organizations, including women's associations, and choose specific recommendations from among those made in the present report on which to take action.

United Nations S/2004/201

Security Council

Distr.: General
15 March 2004
English
Original: French

Letter dated 12 March 2004 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith a letter on the efforts by Belgium and other partners in the sector of the reform and security in the Democratic Republic of the Congo and, in particular, the Congolese army (see annex).

I should be grateful if you would have this letter distributed as a document of the Security Council.

(*Signed*) Jean **de Ruyt**
Ambassador
Permanent Representative of Belgium
to the United Nations

04-27031 (E) 160304 160304

Annex to the letter dated 12 March 2004 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council

12 March 2004

In reference to Security Council resolution 1522 (2004) of 15 January 2004 and the meeting on the reform of the security sector in the Democratic Republic of the Congo held at United Nations Headquarters on 9 February 2004, I have the honour to confirm to you that Belgium responded immediately to the appeal to support the reform of the army in the Democratic Republic of the Congo addressed by the Council to the international community.

Within the framework of a military partnership with the Democratic Republic of the Congo, Belgium conducts close and in-depth consultations with the Minister of Defence and the new general staff of the Democratic Republic of the Congo. These consultations have taken place at the request of the Congolese military authorities. They are conducted in complete transparency with our international partners as well as the United Nations. They have, inter alia, made it possible to formulate a conceptual plan for the new integrated Congolese army during the strategic discussion that took place in Kinshasa in November 2003. An initial follow-up meeting was organized in Kinshasa at the end of January 2004 in order to refine the plan.

Aware that the reform of the army is closely linked to the demobilization and economic and social integration of the former combatants, Belgium also consults the Government of the Democratic Republic of the Congo, the secretariat of the Multinational Demobilization and Reintegration Programme and the World Bank in order to make it possible to set-up disarmament, demobilization and reintegration programmes as speedily as possible.

At the same time, Belgium acceded to the explicit request by the Congolese Minister of Defence to train an initial integrated brigade (made up of three battalions). This brigade is being trained in peacekeeping operations according to current standards. The training of the first battalion began on 9 February 2004 in Kisangani.

Within the framework of this work, Belgium has always advocated the participation of other partners from the international community. To date, firm commitments have been received from France, which is already participating in the training. Other countries are considering the possibility of participating in this operation.

While reiterating its total commitment to peace and stability in the Democratic Republic of the Congo and Central Africa in general, Belgium confirms, through this letter, its particular support for the reform of the security sector both in its definition of the conceptual plans as well as in the execution of specific operations.

(*Signed*) Jean **de Ruyt**
Ambassador
Permanent Representative of Belgium
to the United Nations

United Nations S/2004/202

Security Council

Distr.: General
15 March 2004

Original: English

Letter dated 5 March 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following statement on the announcement of the National Electoral Council of Venezuela of 2 March 2004 regarding the process of verification of signatures in Venezuela, issued on 4 March 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland
to the United Nations

04-27152 (E) 160304

Annex to the letter dated 5 March 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the announcement of the National Electoral Council of Venezuela of 2 March 2004 regarding the process of verification of signatures in Venezuela issued on 4 March 2004 by the Presidency on behalf of the European Union

The European Union has taken good note of the publication, on 2 March 2004, by the National Electoral Council of the preliminary official results of the process of verification of signatures and of the Council's decision to organize an appeals process in relation to those signatures that were provisionally rejected, in the framework of the petition for a recall referendum concerning the mandate of the President of the Bolivarian Republic of Venezuela.

The European Union recalls the contents of its previous statement dated 23 February 2004, and reiterates its full support for the important statement made by the Organization of American States (OAS) and Carter Center missions to Venezuela in their joint declaration of 2 March 2004.

The European Union shares the concern of OAS with regard to the application by the National Electoral Council of specific verification criteria and its possible impact on the outcome of the process. No effort should be spared, however, to enable the country to find a constitutional, democratic, peaceful and electoral solution to its crisis. The European Union encourages all parties involved to negotiate constructively towards feasible, fair and transparent formulas for an appeals process that will respect the constitutional rights, the sovereign will and the good faith of Venezuelan citizens.

The European Union deeply regrets the developments of a climate of violence, which has led to human casualties, and calls on all parties to continue to strive for the implementation of the agreement of 29 May 2003 in a climate of mutual respect, tolerance and restraint, and to fully abide by the Declaration against Violence and for Peace and Democracy of 18 February 2003, within the framework of the rule of law and democratic principles.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia align themselves with this statement.

United Nations S/2004/203

Security Council

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12 March 2004

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Letter dated 12 March 2004 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the President of the Security Council

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have the honour to refer to the summary statement by the Secretary-General concerning the list of items of which the Security Council is currently seized and the stage reached in their consideration (S/2004/20).

I should like to reiterate the Committee's continuing objection to the deletion from the aforementioned list of those items that relate to the exercise of the inalienable rights of the Palestinian people, the question of Palestine and the situation in the Middle East, which are of special concern not only to the Committee but also to the majority of Member States. The Committee believes that, pending a comprehensive, just and lasting settlement of the Arab-Israeli conflict, the core of which is the question of Palestine, in accordance with international legitimacy, these items should remain on the list of matters of which the Council is seized, as they continue to engage its primary responsibility with regard to the maintenance of international peace and security.

Any decision to delete those items, especially at this very critical point in international efforts to revive the political process, would go well beyond a procedural exercise and would have far-reaching negative political implications. On behalf of the Committee, I would like once again to express the firm hope that decisions of such fundamental importance will be taken in thorough consultation with all the parties concerned.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Paul **Badji**
Chairman
Committee on the Exercise of the Inalienable Rights
of the Palestinian People

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Letter dated 15 March 2004 from the Permanent Representative of Spain to the United Nations addressed to the President of the Security Council

On instructions from my Government, I should like to convey the appreciation of the Spanish authorities and people for the expressions of sympathy and the willingness to cooperate demonstrated by the Security Council in its resolution 1530 (2004) of 11 March 2004, which was adopted only a few hours after the savage attacks that claimed the lives of 200 people in Madrid, and caused over 1,400 other casualties. About 190 people are still in a serious or critical condition.

Among the dead and wounded are nationals not only of Spain, but also of over 20 other countries, including Argentina, Bolivia, Brazil, Bulgaria, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, France, Guinea-Bissau, Honduras, Ireland, Morocco, Peru, the Philippines, Poland, the Republic of Moldova, Romania, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

In the past few days, we the people of Spain have felt the pain of the relatives of all those who were killed and all the wounded survivors.

When the Security Council adopted resolution 1530 (2004), my Government was firmly convinced that the terrorist group ETA was behind the terrible events of 11 March, because of the immediate background, because of information then available to it and because of the analysis of such information by the experts.

Since then, as a result of the active efforts of the Spanish security forces, new elements have been discovered that suggest other lines of investigation and point to the involvement of citizens of other countries in the attacks.

Investigations are continuing. No definitive conclusions can be reached at the moment. The Spanish Government will inform the Council of the result of the investigations.

I should be grateful if you would bring this letter to the attention of the members of the Security Council and have it circulated as a Council document.

(*Signed*) Inocencio **Arias**
Ambassador
Permanent Representative of Spain

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